

THE HONORABLE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROBERT KENNY,

Plaintiff,

v.

PACIFIC INVESTMENT
MANAGEMENT COMPANY LLC, a
Delaware limited liability company;
PIMCO INVESTMENTS LLC,

Defendants.

No. CV 14-1987-RSM

**STIPULATION AND ORDER TO
CONTINUE TRIAL DATE AND
PRETRIAL DEADLINES**

Plaintiff Robert Kenny (“Plaintiff”) and Defendants Pacific Investment Management Company LLC and PIMCO Investments LLC (collectively, “Defendants”), through their undersigned counsel of record, hereby stipulate and agree as follows:

The operative scheduling order sets the date for filing the agreed Pretrial Order as May 18, 2018 and the trial date as June 18, 2018. Stipulation and Order Amending Order Setting Trial Date and Related Dates, ECF No. 124. Under the Local Rules of the Western District of Washington (“LCR”), the deadline for Plaintiff to serve his Pretrial Statement was April 18, 2018, which was 30 days prior to the deadline to file the agreed Pretrial Order. LCR 16(h). The deadline for Defendants to serve their Pretrial Statement was April 27, 2018. LCR 16(i). Plaintiff, through

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2 inadvertence, did not serve his Pretrial Statement until April 30, 2018, just one business day after
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4 Defendants served their Pretrial Statement and notified Plaintiff of his oversight on April 27th.
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6 Plaintiff provided a Pretrial Statement and Draft Joint Pretrial Order in an attempt to alleviate some
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8 of the prejudice Defendants might claim. Nevertheless, Plaintiff acknowledges that his Pretrial
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10 Statement was inadvertently served twelve days after the deadline.
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14 In light of the prejudice that Defendants would experience in meeting the current pretrial
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16 deadlines due to Plaintiff's delayed service of his Pretrial Statement, the parties agree that (1) there
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18 is good cause to continue the trial date, and corresponding pretrial deadlines, and (2) such a
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20 continuance will remedy the prejudice caused to Defendants by Plaintiff's delayed service of his
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22 Pretrial Statement. Plaintiff agrees that, should the Court determine that the trial date and
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24 corresponding pretrial deadlines should not be continued, Defendants have reserved their right to
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26 seek other remedies or sanctions under Fed. R. Civ. P. 37(c) and LCR 11(c) for plaintiff's failure
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28 to satisfy his pretrial obligations. *See* LCR 16(m)(1).
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32 Based on the foregoing, the parties respectfully request that the trial be continued to a date
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34 at the Court's convenience after July 30, 2018; that the deadline for filing the agreed Pretrial Order
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36 be continued to 30 days before the new trial date; and that all other pretrial deadlines be modified
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38 accordingly.
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Dated: this 4th day of May, 2018.

By: s/Michael D. Woerner

By: s/Tana Lin

By: s/Laura R. Gerber

By: s/Ian Mensher

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ORDER

Pursuant to stipulation by the parties, and for good cause shown, the trial date and pretrial deadlines in this action are modified as follows:

Event in Order Setting Trial Date and Related Dates	Current Deadline	Revised Deadline
All motions in limine must be filed by and noted on the motion calendar no later than the THIRD Friday thereafter	05/18/2018	9/11/2018
Agreed pretrial order due	05/18/2018	9/27/2018
Trial briefs, proposed voir dire questions, jury instructions, neutral statement of the case, and trial exhibits due	06/01/2018	10/4/2018
Trial date	06/18/2018	10/9/2018

IT IS SO ORDERED this 7 day of May, 2018.



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE

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